



46

Practitioner's Docket No. 40655-201257

Express Mail Certificate No. EL 834 340 455  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*Patent application*

of Tilman, Steve  
for Method And System of Marketing And Selecting Color  
filed March 16, 2001  
Serial No. 09/811,348  
Art Unit 1632

RECEIVED

AUG 09 2001

OFFICE OF PETITIONS

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Attn. BOX MISSING PARTS

**RESPONSE TO NOTICE OF OMITTED ITEMS and  
PETITION TO SECURE FILING DATE**

**FOR " OMITTED ITEM" AS OF ORIGINAL MAILING DATE VIA EXPRESS MAIL**

08/07/2001 TV0111 00000002 161435 09811348

01 FC:122 130.00 CH

**PETITION**

1. Applicant petitions that omitted item, "Figure 7A described in the Specification" (see Notice to File Missing Parts at page 2, copy enclosed) be accorded the filing date on which the papers were originally sent via "Express Mail Post Office to Addressee" mailing label No. EL 694 909 615 US on March 16, 2001.

**SUBMISSIONS**

2. Submitted herewith is:

A copy of the official filing receipt received from the PTO in the above application.

A copy of the Notice to File Missing Parts received from the PTO in the above application.



Practitioner's Docket No. 40655-201257

Express Mail Certificate No. EL 834 340 455  
PATENT

A copy of each page of the application showing the executed Express Mail certificate and mailing label number.

A copy of the Return Receipt Post Card establishing receipt by the PTO on March 16, 2001.

#### PETITION FEE

3. The petition fee (37 C.F.R. section 1.17(i)) is paid as follows:

The correction is not due to any error by applicant and no fee is believed due.

In the event that a fee is due, the Commissioner is hereby authorized to charge any fees due and credit any over payments to Deposit Account No. 16-1435 (Kilpatrick Stockton LLP - Win). A duplicate of this paper is submitted.

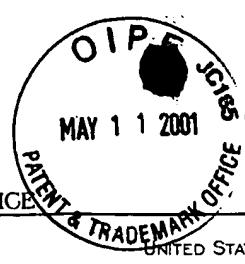
Respectfully submitted,

Date: 5/11/01

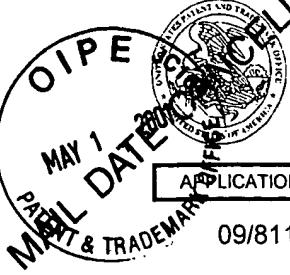
Alana Kriegsman

Alana G. Kriegsman, Esq.  
Registration No. 41,747  
Kilpatrick Stockton LLP  
1001 West Fourth Street  
Winston-Salem, NC 27101  
Phone: 336-607-7476  
Fax: 336-607-7500

40655-201257  
WINLIB01:886805.1

EXPRESS MAIL NO. 834540455

UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)


APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/811,348	03/16/2001	1632	0.00	40655-201257	40	27	9

CONFIRMATION NO. 7734

## FILING RECEIPT

\*OC000000006003081\*

Alana G. Kriegsman  
 Kilpatrick Stockton LLP  
 1001 West Fourth Street  
 Winston-Salem, NC 27101

Date Mailed: 04/24/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Steve Tilman, Residence Not Provided;

## Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/189,778 03/16/2000

## Foreign Applications

If Required, Foreign Filing License Granted 04/24/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

## Title

Method and system of marketing and selecting color

## Preliminary Class

800 **EXPRESS MAIL NO. 834340455**

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**Data entry by : GENET, YODIT**

**Team : OIPE**

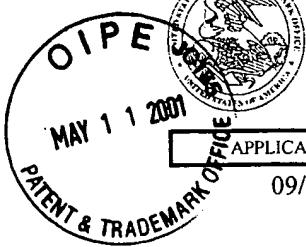
**Date: 04/24/2001**

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EXPRESS MAIL NO. 834340455

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov



APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/811,348	03/16/2001	Steve Tilman	40655-201257

CONFIRMATION NO. 7734

## FORMALITIES LETTER

\*OC000000006003082\*

Alana G. Kriegsman  
 Kilpatrick Stockton LLP  
 1001 West Fourth Street  
 Winston-Salem, NC 27101

Date Mailed: 04/24/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$606.
  - \$126 for 7 total claims over 20.
  - \$480 for 6 independent claims over 3 .
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1446.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

EXPRESS MAIL NO. 834340455

The following item(s) appear to have been omitted from the application:

- Figure(s) 7A described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY

MAY 11 2001

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 40655-201257

First Inventor Steve Tilman

Title METHOD AND SYSTEM OF MARKETING AND SELECTING COLOR

Express Mail Label No. EL 694 909 615 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages 24]
  - Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C.113) [Total Sheets 41]
5. Oath or Declaration [Total Pages ]  
 a.  Newly executed (original or copy)  
 b.  Copy from a prior application (37 CFR 1.63 (d))  
     (for a continuation/divisional with Box 18 completed)  
 i.  **DELETION OF INVENTOR(S)**  
     Signed statement attached deleting inventor(s)  
     named in the prior application, see 37 CFR  
     1.63(d)(2) and 1.33(b).  
 6.  Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9.  Assignment Papers (cover sheet & document(s))
10.  37 C.F.R. §3.73(b) Statement  Power of (when there is an assignee) Attorney
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15.  Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16.  Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation     Divisional     Continuation-in-part (CIP)

of prior application No: \_\_\_\_\_ / \_\_\_\_\_

Prior application information: Examiner \_\_\_\_\_

Group / Art Unit: \_\_\_\_\_

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

 Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or  Correspondence address below

Name	Alana G. Kriegsman Kilpatrick Stockton LLP				
Address	1001 West Fourth Street				
City	Winston-Salem	State	NC	Zip Code	27101
Country	USA	Telephone	336-607-7300		Fax 336-607-7500

Name (Print/Type)	Alana G. Kriegsman	Registration No. (Attorney/Agent)	41,747
Signature	Alana Kriegsman		Date 3-16-01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

EXPRESS MAIL NO. 834340455



EL694909615US

EXPRESS MAIL CERTIFICATE

"Express Mail" mailing label number : EL 694 909 615 US

Date of Deposit : March 16, 2001

Type of Document(s) : Utility patent application transmittal;  
24 pages of Specification;  
41 pages of informal drawings; and  
Return Postcard

Application Serial No. : Unassigned

Filing Date : Herewith

I hereby certify that the documents identified above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Alana Kriegsman (signature) 3/16/01  
Alana G. Kriegsman

40655-201257  
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### EXPRESS MAIL CERTIFICATE

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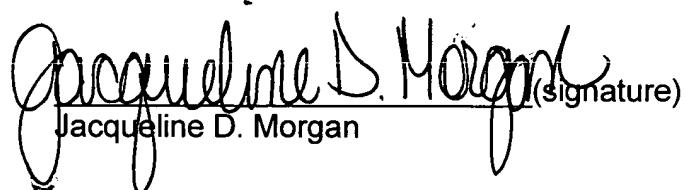
Date of Deposit: May 11, 2001

Type of Document(s) : Response to "Notice of Omitted Items" and Petition to Secure Filing Date For "Omitted Item" As of Mailing Date Via Express Mail (2 pages & copy);  
Copy of the Filing Receipt Received from the PTO (2 pages);  
Copy of the Notice to File Missing Parts Received from the PTO (2 pages);  
Copy of the each page of the application showing the Express Mail Certificate Label Number (68 pages);  
Copy of the Return Receipt Post Card establishing receipt by the PTO on March 16, 2001 (1 page); and  
Return Postcard

Serial No.: 09/811,348

Filing Date: March 16, 2001

I hereby certify that the documents identified above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

  
Jacqueline D. Morgan (signature)  
Jacqueline D. Morgan

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834340455

**POSTCARD ACKNOWLEDGEMENT OF RECEIPT OF  
PAPERS BY PATENT AND TRADEMARK OFFICE**

The following papers were received in the U.S. Patent and Trade Office:

Applicant: Steve Tilman

Title of Invention: METHOD AND SYSTEM OF MARKETING AND SELECTING

COLOR

C/M# 40655-201257. Serial No. Unassigned. Filed Herewith. ....  
 Specification-No. of Pages-24  
 Claims-No. of Claims - 27  
 Drawings-No. of Sheets-41  
 Declaration and Power of Attorney  
 Assignment  
 Issue Fee \$ \_\_\_\_\_  
 Utility Patent Application Transmittal  
 03/16/01

PTO Attorney/Examiner: 09/811348 PTO Date Mailed to PTO: 3/16/01  
03/16/01

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TO ADDRESSEE**



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Assistant Commissioner for Patents  
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